THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 17170 OF 2005

DATED: 10.08.2005

Between:

T.C. Narayana Reddy, S/o Chinna Balanna, aged about 56 years, R/o Yerraguntapalli, H/o Peddapolamada Village, Tadipatri Mandal, Anantapur District.

Petitioner

And

1. The Revenue Divisional Officer, Anantapur, Anantapur District and others

Respondents.

ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus, declaring the proceedings RC. (D2) 250/2005 dated 13.6.2005 issued by the first respondent herein, as arbitrary and without jurisdiction.

Brief facts of the case are that the petitioner herein, is the absolute owner and

possessor of Ac. 10.34 cents of land in S.No. 829 and Ac. 9.50 cents of land in S.No. 1228 of Peddapolamada Village, Tadipatri Mandal, Anantapur District, by virtue of the ryotwari patta dated 18.11.1980 issued by the second respondent herein, under Section 7 of A.P. (A.A) Inams (Abolition and Conversion into Ryotwari) Act 1956 (XXXVII of 1956). While so, the first respondent herein issued a show cause notice by proceedings Rc.(D2) 250/2005 dated 13.6.2005, at the instance of respondents 2 and 3 herein, as to why ryotwari patta granted in favour of the petitioner dated 28.11.1980 should not be cancelled and the petitioner was directed to appear before the Revenue Divisional Officer, Anantapur, on 20.6.2005 at 11 AM. It is submitted that the first respondent herein adjourned the matter to 20.7.2005 and from 20.7.2005 to 30.7.2005 and once again the matter was posted to 5.8.2005. As the first respondent, who is an appellate authority under Section 7(2) of the Act, has no suo motu power to issue such show cause notice after long lapse of 24 years of grant of ryotwari patta, the petitioner approached this court by way of the present Writ Petition.

The learned counsel appearing for the petitioner submits that the Revenue Divisional Officer, Anantapur has no power under Section 7(2) of the Act, to issue such show cause notice and the appeal has to be entertained within a period of 60 days from the date of grant of patta, therefore, the action initiated by the first respondent is contrary to the above said provision.

On the other hand the learned Government Pleader submits that the writ is filed against the show cause notice and the petitioner can take all objections whatever available to the petitioner in the explanation to be filed in response to the show cause notice dated 13.6.2005 and the same can be considered by the Revenue Divisional Officer, Anantapur.

As seen from the facts and circumstances of the case, in response to the show cause notice dated 13.6.2005, the petitioner has already participated in the enquiry on 20.6.2005 and filed his explanation on 5.8.2005, therefore, the petitioner cannot file the present Writ Petition and the Writ Petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, the first respondent-Revenue Divisional Officer, Anantapur, is directed to consider the case of the petitioner and pass appropriate orders in accordance with law after giving an opportunity to the petitioner, within a period of twelve weeks from the date of receipt

of a copy of this order. No order as to costs.

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E. DHARMA RAO, J

DATED: 10.8.2005

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